



Appeal Decision

Site visit made on 5 February 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/D3505/W/23/3325194

The Abbey Cottage, Windsor Green, Cockfield, Suffolk IP30 0LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Edmund Wolf Properties against the decision of Babergh District Council.
 - The application Ref DC/23/00176, dated 17 March 2023, was refused by notice dated 11 May 2023.
 - The development proposed is the erection of two new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the application form, removing wording that does not represent an act of development, in the interests of clarity.
3. The application was submitted in outline form with all matters reserved and I have determined the appeal on that basis. I have regarded all detailed elements of the submitted drawings as indicative only.
4. Since the application was determined, the Council has adopted the Babergh and Mid Suffolk Joint Local Plan Part 1 November 2023 (JLP). Therefore, the policies within the Babergh Core Strategy (2014) cited in the Council's decision have been superseded by policies within the JLP. The Council has noted the most relevant policies in the JLP in respect of this appeal include Policies SP03, LP01, LP17, and LP19 which were identified as emerging policies in the Council's decision. As these policies now form part of the adopted development plan and the appellant has had opportunity to consider them, I have had regard to them in reaching my decision.
5. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions on the revised Framework and that no party's interests have been prejudiced by my taking this approach.

Main Issues

6. The main issues are whether the site would be a suitable location for this proposal, having regard to the development plan, the accessibility of services

and facilities and the character and appearance of the area including the setting of the adjacent Grade II listed The Abbey Cottage.

Reasons

7. Cockfield is a dispersed settlement with clusters of development identified by four separate settlement boundaries. The Council has confirmed that the settlement boundaries will be reviewed through Part 2 of the Joint Local Plan but that this has not yet taken place. There is no dispute between the parties that the appeal site sits outside of the nearest settlement boundary of Windsor Green and is therefore within open countryside for the purposes of the development plan.
8. Policy SP03 of the JLP states that outside of the settlement boundaries, development will normally only be permitted where the site is allocated for development, or it is in accordance with a made Neighbourhood Plan, or in accordance with one of the policies of the Plan listed in Table 5, or it complies with paragraph 80 of the NPPF (2021) (now paragraph 84) which refers to the limited circumstances in which isolated dwellings would be considered appropriate.
9. I have not been provided with any evidence that the appeal site is allocated or referred to in any made Neighbourhood Plan. The appeal site would not be isolated in respect of the Framework test due to its proximity to other built form and therefore paragraph 84 of the revised Framework would not be relevant in this case. However, Policy LP01 of the JLP is listed under Table 5 and supports windfall infill housing development outside settlement boundaries.
10. Policy LP01 states that proposals for windfall infill development outside settlement boundaries where there is a cluster of at least 10 well related dwellings will be acceptable subject to certain criteria. Infill is defined at footnote 18 of the JLP as the filling of a small undeveloped plot in an otherwise built-up highway frontage.
11. The criteria set out under Policy LP01 that need to be met include not being detrimental to the character and appearance of the settlement, landscape, residential amenity or any heritage, environmental or community assets; not resulting in consolidating sporadic or ribbon development or the loss of gaps between settlements resulting in coalescence; and that the development would usually be for only one or two dwellings.
12. There is a cluster of at least 10 well related dwellings located along the road where the appeal site is located and the adjoining A1141. However, the dwellings along the road that the appeal site has frontage onto are located in a linear form along the opposite side of the road to the appeal site. The exchange building is located on the same side of the road as the appeal site and is located adjacent to its western boundary. However, given its set back position and the presence of vegetative screening, the exchange building does not appear as frontage development.
13. The Abbey Cottage is located on a corner plot with the principal elevation facing the A1141. Whilst the side elevation faces the road on the same side of the road as the appeal site, the depth of the rear garden means that there is significant separation between the frontage of the appeal site and the built form of The Abbey Cottage.

14. The appeal site is undeveloped, and the proposal is limited to two dwellings. Given the well-established vegetative boundaries around three sides of the appeal site and its spatial relationship with nearby built form, I do not consider that the proposal would result in the loss of a gap which would result in the coalescence of settlements. There is no dispute that some of the criteria set out under Policy LP01 would be met by the proposal.
15. Nevertheless, given the significant depth of the rear garden that serves The Abbey Cottage and the set back location of the telephone exchange building, the proposal would not appear as the filling in of a small plot within an otherwise built-up highway frontage. I will return to matters of character and appearance later in this decision.
16. Policy SP03 of the JLP sets out the overarching approach to the location of new development across the district. The policy background identifies that development needs to be accommodated in settlements where the need to travel can be reduced, through good access to facilities and services.
17. The dispersed nature of Cockfield means that services and facilities are sporadically located across the area. There is a primary school, church, Post Office and village shop located on two other roads, to the east of the A1141.
18. There is no continuous separate pavement from the appeal site alongside the road network to these existing services and facilities. There is an unlit Public Right of Way (PRoW) which runs from the A1141 to the church and school. There is then a separate unlit pavement which leads to the Post Office and shop. This could provide a pleasant walk to some limited facilities, but this would be dependent on the time of day and the weather conditions. Cycling maybe an option for some but not necessarily attractive to a majority given the lack of separate cycle routes.
19. The appeal site is within 200m of the nearest bus stop. There are no separate pavements along the road that the appeal site is located on, however, I accept the distance to the A1141 where the bus stop is located is not overly far. I have been provided with a timetable that shows 12 services in one direction and 11 in the other on a weekday between Sudbury and Bury St Edmunds, where there are a wide range of services and facilities.
20. Therefore, whilst walking, cycling and the use of public transport would be an option for some, it would not be an attractive option for everyone, particularly for older people, those with mobility issues or with young children and at times when it is dark or in poor weather conditions.
21. The appeal site is a grass field with mature vegetation along all but the northern boundary. To the west, set back from the road is the exchange building. To the east is the garden area associated with the Grade II listed The Abbey Cottage. On the opposite side of the road is a row of more modern detached dwellings of varying designs. To the north is an area of undeveloped land. Other than The Abbey Cottage and the exchange building, I did not witness any other substantial buildings along the northern side of the road. Although located adjacent to the exchange building, the appeal site appears as countryside which adds positively to the open and rural character of the area. The appeal site is not within an Area of Outstanding Beauty or a Conservation Area.

22. The provision of two dwellings on the appeal site would alter the open and spacious landscape character established to the north of the road through the introduction of built form, landscaping and domestic paraphernalia. The proposal would permanently erode the positive contribution that the appeal site makes to the rural character of the area and would as a result be harmful to it.
23. The proposal would be in keeping with the density and size of other plots in the vicinity which are generally more spacious with dwellings set back from the road. The appellant asserts that the retention of mature vegetation would be a priority and that a comprehensive landscaping scheme would be provided at the reserved matters stage. Nevertheless, these factors would not be sufficient to mitigate the harm I have set out above.
24. The Grade II listed property, The Abbey Cottage is located adjacent to the appeal site. It is a 17th Century or earlier house, with plastered timber frame and thatched roof. It derives its significance from its architectural character and detailing and its spacious rural setting.
25. Given the visual, spatial and functional separation from the appeal site due to the long rear garden associated with The Abbey Cottage and the well-established vegetative boundary treatment I am satisfied that a suitable design for two dwellings could be achieved at the appeal site that would not harm the setting of the listed building. However, this would not outweigh the harm I have identified to the character and appearance of the area.
26. I therefore do not find that the proposal would be harmful to the setting of the adjacent listed building, The Abbey Cottage. The proposal would therefore be in compliance with Policy LP19 of the JLP which seeks, amongst other things, to safeguard and enhance the historic environment.
27. However, I find that the proposal would not be a suitable location for this proposal, having regard to the development plan and the accessibility of services and facilities. It would also be harmful to the character and appearance of the area. The proposal is therefore contrary to Policies SP03, LP01 and LP17 of the JLP.
28. These policies seek, amongst other things, to direct development to settlements where the need to travel can be reduced, to support small scale windfall infill development where it would enhance or maintain the vitality of rural communities and to ensure development is not detrimental to the character and appearance of the settlement or landscape and that it reinforces local distinctiveness. It would also be contrary to the relevant sections of the Framework in these respects.

Other Matters

29. The appellant has referred me to other planning permissions and appeal decisions relating to residential development on sites outside of settlement boundaries including another site at Cockfield. These cases were assessed under a policy background different to the one before me now. Notwithstanding that, from the limited evidence provided, there does appear to be some differences to the appeal before me, including the relationship of a site with a nearby settlement with a significant range of services and facilities, that a site was considered to be infill, that a site was situated adjacent to a settlement

- boundary and other material considerations such as the previous planning history on a site whereby development was approved.
30. With regard to the other site at Cockfield, on the other side of the A1141 to the appeal site, whilst I accept that the accessibility of services and facilities would be similar to that of the appeal site, the delegated report identifies that other site was found to be well related to the settlement and not harmful to the character and appearance of the area. It was also considered under the now superseded policies.
31. The proposal is a small site that would contribute to the housing supply, which could be built out relatively quickly given its size. There is no dispute between the parties that the Council can demonstrate a five year housing land supply, however, I accept that this is not a ceiling figure. Economic benefits during the construction phase and after with future occupants supporting local services and facilities would also occur. However, given the scale of the proposal these benefits would be limited.
32. I recognise that there was support for the provision of two bedroom homes such as bungalows for the elderly and three bed homes for young families, spread across the settlement, in the Cockfield Parish Council Village Growth and Development Survey Report in 2014 which the proposal may align with. Nevertheless, this survey was conducted a significant time ago and does not form part of the development plan. It therefore does not override the policy requirements set out in the JLP.
33. The appellant asserts that the proposal would not be at significant risk of flooding, the accommodation provided would meet the Nationally Described Technical Space Standards and that a sufficient amount of garden space and cycle storage would be provided for each dwelling. A traffic survey was provided that identified that the required visibility splays could be achieved based on the characteristics of the road and the lower average speeds. The number of additional vehicle movements would be limited due to the scale of the proposal limiting any harm to highway safety. Nevertheless, a lack of harm in these respects is a neutral consideration that weighs neither for nor against the proposal.
34. It is asserted that the majority of the existing trees and vegetation could be integrated into the scheme. A Preliminary Ecological Appraisal was submitted that identified the appeal site as being of low ecological value currently and that subject to mitigation measures the proposal would not be harmful to ecology or biodiversity. It also set out measures identifying how enhancements could be achieved. Given the scale of the scheme the enhancements would be of limited benefit.

Conclusion

35. The proposal conflicts with the development plan as a whole, and there are no material considerations that indicate that I should take a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR